

U.S. Patent Application Serial No. 10/658,743  
Response filed September 30, 2005  
Reply to OA dated July 12, 2005

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended): Construction machinery comprising:  
an engine;  
a hydraulic pump driven by the engine; and  
an actuator driven by a ~~pressure~~ oil pressure supplied from the hydraulic pump; wherein  
in a case of a load mode where an engine torque at an intersection point of an iso-horsepower  
curve of a necessary horsepower and a governor characteristic curve of the engine is ~~smaller~~ less than  
that of a ~~rating~~ rated output point of the engine, the number of revolutions of the engine is reduced  
and the engine torque is increased with reference to the intersection point, and the engine is allowed  
to run with a horsepower exceeding the iso-horsepower, and by with use of a surplus torque  
generated therefrom, a power generator is operated so as to generate an electric power, which is  
accumulated in a power accumulation apparatus.

U.S. Patent Application Serial No. 10/658,743

Response filed September 30, 2005

Reply to OA dated July 12, 2005

2. (Currently Amended): The construction machinery as claimed in claim 1, wherein in a case of a load mode where the iso-horsepower curve of the necessary horsepower and the governor characteristic curve of the engine do not generate an intersection point, the engine is driven at a point approximate to the rating rated output point while the power generator functioning as an electric motor is operated by the power accumulation apparatus so that assist running for assisting providing a torque shortage is performed.

3. (Currently Amended): The construction machinery as claimed in claim 1 or 2, wherein

the power accumulation is performed by the power generator with at the number of revolutions by at which the power generator is to be in a high efficiency state.

4. (Currently Amended): The construction machinery as claimed in claim 1 or 2, wherein the assist running is performed by the power generator with at the number of revolutions by at which the power generator functioning as an electric motor is to be in a high efficiency state.